IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 12139 of 2004

Between:

D. Mahalakshmi, D/o. Lakshmikanthamma,
R/o. G.H. Puram Village, S.V. Puram, Vadamalapet Mandal,
Chittoor District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep by its Secretary, Revenue, (ASSIGNMENT) Department, Secretariat, Secretariat Buildings, Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Vadamalapet Mandal, Chittoor District.
4 A. Subbarayulu, S/o. China Ankaiah,
F.P. Shop dealer, Vadamalapet, Vadamalapet Mandal,
Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the 1st respondent in not granting interim relief pending revision petition filed against the orders in D.DIS. (E2)5247/01, dated 5-5-2003 on the file of the Joint Collector, Chittoor and the Endorsement in CCLA's Proceedings No. BCW3/355 of 2003, dated 16-8-2003 on the file of the Commissioner of appeals as illegal, unjust, arbitrary, unconstitutional and contrary to law and consequently directing the respondents not to dispossess the petitioner from the land to an extent to Ac.2-80 cents Sy.No.,355/IE of S.V. Puram Village, Vadamlapet Mandal, Chittoor District.

Counsel for the Petitioner : MR.S.V.MUNI REDDY

Counsel for the Respondent 1 to 3 : GP FOR REVENUE

Counsel for the Respondent No.4 : None appeared.

The Court at the admission stage made the following :

ORDER:

The petitioner alleges that she has been in possession and enjoyment of the land in an extent of Ac.2.80 cents in Sy.No.355/lE of S.V.Puram Revenue village in Chittoor District. She claims that she is a landless poor person and belongs to Scheduled Caste and considering her long standing possession over the land, a patta was granted on 6-1-1989 assigning the land to her. It is her case that fourth respondent, who claims that he was granted a DKT patta, was never in possession of the land in question. Therefore, third respondent, after conducting enquiry, cancelled the patta granted to fourth respondent. Aggrieved by the same, fourth respondent approached the Revenue Divisional Officer, Chittoor. By Proceedings dated 21-8-2001, the Revenue Divisional Officer cancelled the patta granted to the petitioner. Thereupon, the petitioner preferred a revision petition before second respondent, Joint Collector, Chittoor. Though second respondent, initially granted status quo, by proceedings dated 5-5-2003, dismissed the revision petition. Questioning the said orders, the petitioner preferred an appeal before the Chief Commissioner of Land Administration. As no orders were passed on the stay application, the petitioner approached this Court by filing a writ petition being W.P.No.13991 of 2003. This Court, while directing to maintain status quo, disposed of the said writ petition directing the Chief Commissioner of Land Administration to dispose of the revision petition. Now, by the impugned proceedings dated 16-8-2003, the Commissioner rejected the appeal holding that the same is not maintainable. Against the said orders, the petitioner filed a revision before the Government on 20-12-2003 and the same is pending. Even before the revision is disposed of, third respondent is trying to evict the petitioner from the land at the instance of fourth respondent.

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Revenue.

Under these circumstances, the writ petition is disposed of at the admission stage directing first respondent to dispose of the revision filed by the petitioner within a period of four months from the date of receipt of a copy of this order. Till such time,

there shall be status quo as on today.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Secretary, Government of Andhra Pradesh,

Revenue (ASSIGNMENT) Department, Secretariat,

Secretariat Buildings, Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Vadamalapet Mandal, Chittoor District.
4. 2 CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT)

5. 2CD copies

GS/ASP